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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/892,092	07/14/1997	TAKU YAMAGAMI	35.G1994	6547

5514 7590 09/22/2003

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

VILLECCO, JOHN M

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 09/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/892,092

Applicant(s)

YAMAGAMI, TAKU

Examiner

John M. Villecco

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION VII

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 16, 2003 has been entered.

Response to Arguments

2. Applicant's arguments filed on June 16, 2003 have been fully considered but they are not persuasive.

3. Regarding the JP '023 reference, applicant argues that the reference only discloses manually input information for determining a filename. Applicant argues that the Saito reference discloses manually entering informatin to determine a title and that it fails to disclose determining a file title for storing a data file. However, as disclosed in paragraph 0006 Saito discloses that part of the title is specified by the user and the other half is generated in order to avoid file name duplication. Furthermore, in paragraphs 0017-0020 Saito discloses a file name is automatically assigned based on a time and date and whether or not there is an image file with the same name stored in the memory card.

4. Furthermore, applicant argues that the file name determining means does not name a file based on information pre-recorded in a detachable memory. As disclosed in paragraph 0020, the

Art Unit: 2612

JP '023 reference will compare a created filename with a filename that has already been created and recorded in a directory. Additionally, since the only directory disclosed in the JP '023 specification is a route directory of the memory card, it follows that the system operates to check the route directory of the memory card. See paragraphs (0011, 0012, 0018-0020). Since the system operates to read the names of the files stored in the memory card the system is using prerecorded information to determine the file name.

5. An official machine translation is being supplied with this office action.
6. For the reasons stated the rejections from the previous office action will be repeated.
7. Applicant has also added new claims 62 and 63. Please see the rejection for claims 62 and 63 below.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. **Claims 58-63 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito (Japanese Publ. No. 06-231023).**

10. Regarding *claim 58*, Saito discloses an information recorder which retrieves information from a memory card (16) and determines a filename for a current image being recorded. The system includes an image pickup circuit (2) for generating an image data and a system controller (12) for controlling the operation of the camera. The camera operates to access the memory card

Art Unit: 2612

(16) to determine what image files are stored onto it. In order to avoid duplication of file names it will determine if the current image being saved has a name similar to the name of a file stored on the memory card. If there is such a file, then a number is incremented and a new file name is generated. Each of the file names is composed of a character and a serial number (Fig. 5, 7, and 8) and is composed in accordance with the information retrieved from the memory card. After the file name is determined the image file is saved onto the memory card (16). As disclosed in paragraph 0020, the JP '023 reference will compare a created filename with a filename that has already been created and recorded in a directory. Additionally, since the only directory disclosed in the JP '023 specification is a route directory of the memory card, it follows that the system operates to check the route directory of the memory card. See paragraphs (0011, 0012, 0018-0020). Since the system operates to read the names of the files stored in the memory card the system is using prerecorded information to determine the file name.

11. As for **claim 59**, the information obtained from the memory card (16) determines a plurality of characters to be used for a file name. More specifically, there are two bytes that are allocated to be incremented if an image with a similar filename is found in the route directory of the memory card.

12. **Claim 60** is considered a method claim corresponding to claim 58. Please see the discussion of claim 58 above.

13. **Claim 61** is a method claim corresponding to claim 59. Please see the discussion of claim 59 above.

14. As for **claim 62**, Saito discloses that a filename is automatically generated based on the time that the memory card was mounted. This information correlates to the recording condition

Art Unit: 2612

of image data that has been generated. Then a directory is checked to determine if a similar file name exists in the route directory of a memory card. If a similar file name does exist, a designated file name position character is incremented and a new file name is generated.

Therefore, the file name determining step determines a file name in accordance with a recording condition of the image data generated and the information retrieved when searching the route directory of the memory card.

15. **Claim 63** is considered a method claim corresponding to claim 62. Please see the discussion of claim 62 above.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (For either formal or informal communications intended for entry. For informal or draft communications, please label **"PROPOSED"** or **"DRAFT"**)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Villecco whose telephone number is (703) 305-1460. The examiner can normally be reached on Monday through Thursday from 7:00 am to 5:30 pm EST.

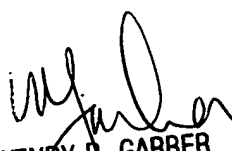
Art Unit: 2612

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service desk whose telephone number is (703) 306-0377.



JMV
9/4/03



WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600